



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: KRUEGER ET AL. Examiner: UNKNOWN
Serial No.: 10/665,941 Group Art Unit: 3738
Filed: SEPTEMBER 19, 2003 Docket: 13033.10US01
Confirmation No.: 6541
Title: AIRWAY IMPLANT AND DELIVERY TOOL AND KIT

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 30, 2004.

By: Teresa Morgan
Name: Teresa Morgan

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

23552

PATENT TRADEMARK OFFICE

Sir:

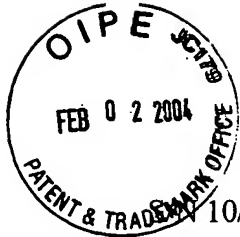
We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Information Disclosure Statement, Form 1449, 11 Reference(s)
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
612.332.5300

By: David G. Schmaltz
Name: David G. Schmaltz
Reg. No.: 39,828
DSchmaltz:PLStdM



10/665,941

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	KRUEGER ET AL.	Examiner:	UNKNOWN
Serial No.:	10/665,941	Group Art Unit:	3738
Filed:	SEPTEMBER 19, 2003	Docket No.:	13033.10US01
Title:	AIRWAY IMPLANT AND DELIVERY TOOL AND KIT		

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 30, 2004.

By: 

Name: Teresa Morgan

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted before the mailing date of a first Office Action on-the-merits. Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. §1.98(a)(2), a copy of each document in the "Other Documents" column listed on the enclosed Form 1449 is enclosed; and in accordance with 37 C.F.R. §1.98(a)(2)(i), a copy of all U.S. patents listed on the enclosed Form 1449 are not provided, as this application was filed after June 30, 2003.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

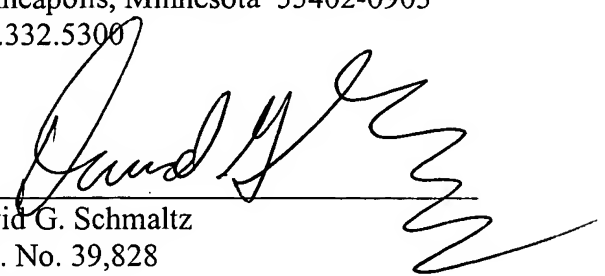
Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.
P. O. Box 2903
Minneapolis, Minnesota 55402-0903
612.332.5300

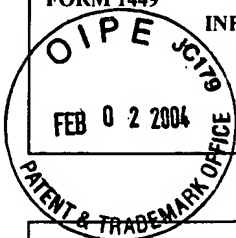
Date 11/29/04



David G. Schmaltz
Reg. No. 39,828
DGS:PLStdM



FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: 13033.10US01	Application Number: 10/665,941
	Applicant: KRUEGER ET AL.	
	Filing Date: 09/19/2003	Group Art Unit: 3738



U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,284,161	02/08/1994	Karell			
	5,456,662	10/10/1995	Edwards et al.			
	5,514,131	05/07/1996	Edwards et al.			
	5,674,191	10/07/1997	Edwards et al.			
	5,718,702	02/17/1998	Edwards			
	5,792,067	08/11/1998	Karell			
	5,843,021	12/01/1998	Edwards et al.			
	5,988,171	11/23/1999	Sohn et al.			
	6,098,629	08/08/2000	Johnson et al.			
	6,250,307 B1	06/26/2001	Conrad et al.			
	6,431,174 B1	08/13/2002	Knudson et al.			
	6,513,530 B2	02/04/2003	Knudson et al.			
	6,523,542 B2	02/25/2003	Knudson et al.			
	6,578,580 B2	06/17/2003	Conrad et al.			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		Boudewyns, A. et al., "Temperature-controlled Radiofrequency Tissue Volume Reduction of the Soft Palate (Somnoplasty®) in the Treatment of Habitual Snoring: Results of a European Multicenter Trial," <i>Acta Otolaryngol</i> , Vol. 120, pp. 981-985 (2000).
		Brietzke, S. et al., "Injection snoreplasty: How to treat snoring without all the pain and expense," <i>Otolaryngology-Head and Neck Surgery</i> , Vol. 124, No. 5, pp. 503-510 (May 2001).
		Cole, P. et al., "Snoring: A Review and a Reassessment," <i>The Journal of Otolaryngology</i> , Vol. 24, No. 5, pp. 303-306 (1995).
		Coleman, S. et al., "Midline radiofrequency tissue reduction of the palate for bothersome snoring and sleep-disordered breathing: A clinical trial," <i>Otolaryngology-Head and Neck Surgery</i> , Vol. 122, No. 3, pp. 387-394 (March 2000).

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

FORM 1449*

INFORMATION DISCLOSURE STATEMENT

IN AN APPLICATION

(Use several sheets if necessary)

Docket Number:

13033.10US01

Application Number:

10/665,941

Applicant: KRUEGER ET AL.

Filing Date: 09/19/2003

Group Art Unit: 3738

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

Harries, P. et al., "Review Article, The surgical treatment of snoring," *The Journal of Laryngology and Otology*, Vol. 110, pp. 1105-1106 (December 1996).

Huang, L. et al., "Biomechanics of snoring," *Endeavour*, Vol. 19, No. 3, pp. 96-100 (1995).

LaFrentz et al., "Palatal Stiffening Techniques for Snoring in a Novel Canine Model," *Abstracts of the Twenty-Second Annual Mid Winter Research Meeting of the Association for Research in Otolaryngology*, Abstract No. 499, Vol. 22, p. 125-126 (February 13-18, 1999).

Lorenz, C., "If he Snores-what can you do about it," *Today's Woman*, 2 pgs. (July 1948).

Parker, J., "Clinical Scientific Feature, An Overview of Snoring and Obstructive Sleep Apnea, Part One: Evaluation and Diagnosis," *Northwest Dentistry*, pp. 17-22 (January-February 1995).

Schwartz, R. et al., "Effects of electrical stimulation to the soft palate on snoring and obstructive sleep apnea," *The Journal of Prosthetic Dentistry*, Vol. 76, No. 3, pp. 273-281 (September 1996).

Wiltfang, J. et al., "First results on daytime submandibular electrostimulation of suprahyoid muscles to prevent night-time hypopharyngeal collapse in obstructive sleep apnea syndrome," *International Journal of Oral & Maxillofacial Surgery*, Vol. 28, pp. 21-25 (1999).

23552

PATENT TRADEMARK OFFICE

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.